

Before the  
Federal Communications Commission  
Washington, D.C. 20554

MAILED

JUN 18 2007

In the Matter of )

Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations.

(Elberton and Union Point, Georgia)

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)  
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)  
)MB Docket No. 05-191  
RM-11243

FCC

**REPORT AND ORDER**  
**(Proceeding Terminated)**

**Adopted: June 13, 2007****Released: June 15, 2007**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it the *Notice of Proposed Rule Making* ("Notice")<sup>1</sup> issued in response to a Petition for Rule Making filed by Georgia-Carolina Radiocasting Company, LLC ("Petitioner"), licensee of Station WLVX(FM), Elberton, Georgia, requesting that the Commission upgrade Channel 286A to Channel 286C2, reallocate Channel 286C2 from Elberton to Union Station, Georgia, and modify the license of Station WLVX(FM) accordingly. Petitioner filed Comments and Reply Comments. Frank G. McCoy filed Comments. After the record in this docket was closed, Petitioner filed a request for approval of the withdrawal of its Petition for Rule Making, which included an expression of interest in implementing Petitioner's rulemaking proposal.<sup>2</sup>

2. As stated in the Appendix to the *Notice*, a showing of continuing interest is required before a channel will be allotted. It is the Commission's policy to refrain from making a new allotment to a community absent a *bona fide* expression of interest. Therefore, we grant Petitioner's request for permission to withdraw its Petition for Rule Making that initiated this proceeding and its prior

<sup>1</sup> *Elberton and Union Point, Georgia*, 20 FCC Rcd 9544 (MB 2005).

<sup>2</sup> Several pleadings have been filed concerning a settlement agreement previously approved by the Media Bureau in MB Docket No. 02-352. See *Glenville, Clyde, and Weaverville, North Carolina; and Tazewell, Tennessee*, Report and Order, 20 FCC Rcd 16269 (MB 2005), *pet. for recon. pending*. These pleadings include in their captions both MB Docket No. 02-352 and the instant docket, MB Docket No. 05-191. These pleadings include: (a) Request for Leave to Supplement and Supplement to Joint Request for Approval of Universal Settlement filed September 29, 2005 by Glenville Radio Broadcasters, Stair Company, Inc. a/k/a The Stair Company, Georgia-Carolina Radiocasting Company, LLC and Frank McCoy (collectively, "Joint Parties"); (b) Comments on the foregoing Joint Request, filed October 11, 2005, by Willsyr Communications, Limited Partnership ("Willsyr"); (c) Petition for Reconsideration of the referenced staff *Report and Order*, filed October 24, 2005 by Willsyr; (d) Opposition to Petition for Reconsideration filed December 15, 2005, by Joint Parties and Ashville Radio Partners, LLC; and (e) Reply to Opposition filed December 27, 2005 by Willsyr. Although the Petitioner is one of the parties involved in the settlement agreement approved by the staff in MB Docket No. 02-352, the Petitioner's request for approval of its withdrawal of its Petition for Rule Making in the instant docket is unrelated to any matters at issue in MB Docket No. 02-352. The staff will address these unrelated pleadings in the context of MB Docket No. 02-352.

expression of interest in implementing its rulemaking proposal<sup>3</sup> and we dismiss Petitioner's Petition for Rule Making.

3. This document is not subject to the Congressional Review Act. (The Commission is, therefore, not required to submit a copy of this Report and Order to GAO, pursuant to the Congressional Review Act, see 5 U.S.C. Section 801(a)(1)(A), because this proposed rule is dismissed herein.)

4. Accordingly, IT IS ORDERED That the Petition for Rule Making filed by Georgia-Carolina Radiocasting Company, LLC IS DISMISSED.

5. IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

6. For further information concerning the above, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief  
Audio Division  
Media Bureau

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<sup>3</sup> Petitioner has complied with Section 1.420(j) of the Commission's Rules by declaring that no consideration has been offered or received by Petitioner or any of its principals in exchange for the withdrawal of its Petition for Rule Making in this proceeding.